

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-459-T - ORDER NO. 2000-025
JANUARY 5, 2000

IN RE: Application of Cardinal Moving and Storage, Inc., 997 Chelsea Park, Highway 170, Ridgeland, SC 29936 (Mailing Address: Post Office Box 574, Beaufort, SC 29901), to Transer its Class E Certificate of Public Convenience and Necessity No. 9662 via the Purchase and Sale of the Company's issued and Outstanding Shares of Stock.)	ORDER DENYING ^{you}
)	REQUEST TO DECLINE
)	TO ACCEPT PETITION
)	TO INTERVENE
)	
)	
)	
)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the letter filed by counsel for Cardinal Moving and Storage, Inc. ("Cardinal") requesting that the Commission decline to accept the Petition to Intervene filed by Dale J. Cook Moving and Storage, Inc. ("Cook").

The instant docket was instituted by application of Cardinal seeking authority to transfer its Class E Certificate of Public Convenience and Necessity No. 9662 via the purchase and sale of its issued and outstanding shares of stock. On December 9, 1999, the Commission received a Petition to Intervene from Cook. There is no certification of service or other indication or notation with the Petition to Intervene establishing that the Petition to Intervene was served on Cardinal, the Applicant herein. Thereafter, on December 14, 1999, counsel for Cardinal filed a letter with the Commission requesting

that the Commission decline to accept Cook's Petition to Intervene for failure to comply with the Commission's Rules and Regulations.¹

26 S.C. Regs. 103-841(C)(3) provides that:

A person filing a petition to intervene or a party of record filing a petition for rehearing or reconsideration shall file the petition with certification that service of the petition has been made on all parties of record. The Executive Director shall make available to the person seeking to intervene a service list consisting of the names of all parties of record.

As stated above, Cook neither provided certification of service nor any other notation indicating that he served his Petition to Intervene on Cardinal. The Commission notes that the Notice of Filing issued by the Commission regarding the instant application advises any person wishing to protest or intervene in a proceeding to file a pleading in accordance with the Commission's Rules and Regulations with the Commission's Executive Director and with the applicant or his attorney. The Notice of Filing includes the name and address of the Cardinal's attorney.

Upon consideration of this matter, the Commission denies Cardinal's request to decline to accept the Petition to Intervene filed by Cook. In reaching this decision, the Commission is advised by the Commission Staff that the Staff attempts to serve petitions that are filed with the Commission but which do not have either certification of service or a notation that service was made on an applicant or other party as required by the Commission's Rules and Regulations. While it is not the Staff's responsibility to

¹ Counsel for Cardinal states in his letter that he became aware of Cook's Petition to Intervene via the "Advised" portion of the Transportation Department's agenda for the weekly Commission meeting. While counsel was notified via the "Advised" portion of the Transportation's Department's agenda at the weekly Commission meeting, such notification does not comport with the Commission's Rules and Regulations

complete service for a party or potential party which fails to serve a pleading, the Commission takes this past practice into consideration in the decision of the instant matter. Therefore, the Commission denies Cardinal's request to decline to accept the Petition to Intervene filed by Cook.

However, the Commission strongly advises the instant parties as well as all potential parties that compliance with the Commission's Rules and Regulations is required in all proceedings, unless a waiver is specifically obtained from the Commission. Service of pleadings is fundamental to fair and impartial proceeding before the Commission and failure to serve pleadings will not be taken lightly. The Rules and Regulations require the party filing a pleading to serve that pleading on the other parties in a proceeding. It is not the duty of the Commission Staff to complete the service of pleadings for a party. Therefore, the Commission advises all parties and potential parties that future pleadings filed with the Commission which do not contain the required certification of service will not be accepted and will be returned to the person filing the pleading for failure to comply with the Commission's Rules and Regulations.

Further, the Commission Staff is instructed to send copies of this order to those persons who regularly intervene in proceedings before the Commission.

IT IS THEREFORE ORDERED THAT:

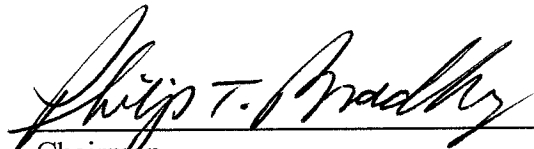
1. The request of Cardinal requesting that the Commission decline to accept the Petition to Intervene filed by Cook is denied.

2. All parties and potential parties are hereby advised that compliance with the Commission's Rules and Regulations is required in all proceedings, unless a waiver is specifically obtained from the Commission. Further, the Commission advises all parties and potential parties that future pleadings filed with the Commission which do not contain the required certification of service will not be accepted and will be returned to the person filing the pleading for failure to comply with the Commission's Rules and Regulations.

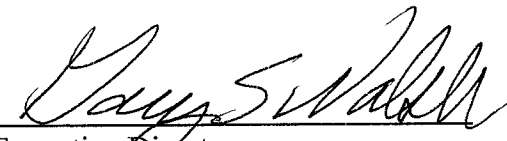
3. The Commission Staff is instructed to send copies of this order to those persons who regularly intervene in proceedings before the Commission.

4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)